

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDGAR ENCARNACION-LAFONTAINE,

Petitioner.

-v.-

UNITED STATES OF AMERICA,

Respondent.

20-cv-1170 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

On March 6, 2023, Magistrate Judge Sarah L. Cave issued a Report and Recommendation in the above-captioned matter recommending denial of the petition filed by Edgar Encarnacion-Lafontaine, pro se, pursuant to 28 U.S.C. § 2255. On April 21, 2023, Mr. Encarnacion-Lafontaine filed a timely objection, in which he argues the Court should accept his petition, even though it is untimely, because of his ignorance of the law, inability to retain counsel, and inability to obtain an order from the Court appointing counsel.

After reviewing the Report and Recommendation de novo, the Court overrules Mr. Encarnacion-Lafontaine's objection, adopts the Report and Recommendation, and denies the petition with prejudice. For the reasons stated in the Report and Recommendation, the Court agrees with the Magistrate Judge's analysis that the petition "is time-barred" and not subject to equitable tolling. ECF No. 26, 19-22. The Clerk is directed to enter judgment.

SO ORDERED.

Dated: New York, NY

November 28, 2023

A handwritten signature in black ink, appearing to read "Jed S. Rakoff", is written over a horizontal line.

JED S. RAKOFF, U.S.D.J.